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December 1, 2022

The Honorable Vera M. Scanlon
United States Magistrate Judge
United States District Court for the
Eastern District of New York
United States Courthouse
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Capobianco, et al., v. City of New York, et al.*, 21-CV-06125 (LDH) (VMS)

Dear Magistrate Judge Scanlon,

I am one of the lawyers for the plaintiffs in this case. The parties have conferred and jointly write to request at least a one week extension of the December 1, 2022 deadline to propose a schedule for plaintiffs' expert to make site visits, for the parties' expert reports, and for expert depositions.

My co-counsel, Scott Korenbaum, spoke with defense counsel Mark Toews today, after a prior Zoom discussion, about settlement, but I have nothing positive yet to report in terms of a meeting of the minds. Mr. Korenbaum and I met with plaintiffs' expert, a former high-level corrections official, by Zoom last week and learned when the expert can fly to NY for site visits and what he needs for a proper expert report. Since we have not yet received policy and practice documents for the operation of the City's Central Booking facilities, assuming the documents even exist, our expert needs to be in each jail long enough to get a sense of the operation. The expert was also not allowed to speak with staff or prisoners when he visited Brooklyn and Staten Island Central Booking previously, but needs to do so, and this may still be an issue with the defendants. Also, because of the absence of substantive documents so far, our expert needs to review the depositions of high-level officials involved in the operation of each Central Booking facility in the City, including the relevant hierarchy at One Police Plaza, so these depositions need to be scheduled and taken promptly. This paragraph is comprised of plaintiffs' position only.

I do not know defense counsels' full position on the above issues. Defense counsel Cindy Singh emailed me that defendants would like at least one week "to determine the notice for the inspections of QCB, MCB and BXC.B. From there, you can propose dates that work for the expert, and we can jointly create the schedule for the expert reports, rebuttal reports, and depositions accordingly."

Respectfully,

Richard Cardinale

Richard Cardinale

Copy: All counsel